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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,148	12/04/2001	Morgan William Amos David	450110-03714	6650
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FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			EXAMINER CHOWDHURY, NIGAR	
			ART UNIT	PAPER NUMBER
			2621	

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/014,148	Applicant(s) DAVID, MORGAN WILLIAM AMOS	
	Examiner Nigar Chowdhury	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 21-27, 28/24, and 28/26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
2. Referring to claims 21-27, drawing is not particularly pointing out and distinctly claiming the subject matter.
3. Referring to claims 28/24 and 28/26 are depending on claims 24 and 26 respectively, therefore claims 28/24 and 28/26 are rejected for the same reason as discussed in the corresponding claims 24 and 26 respectively.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 18, 19, 23, 28-31 are rejected under 35 U.S.C. 101 because claims are directed to a recording medium and computer software.

When nonfunctional descriptive material is recorded on some computer-readable medium, it is not statutory since no requisite functionality is present to satisfy the practical application requirement. Merely claiming nonfunctional descriptive material stored in a computer-readable medium does not make it statutory. See MPEP 2106.IV.B.1

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 3/1, 3/2, 4/1, 4/2, 5, 6, 8, 9, 11, 28/11, and 29-31 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,844,739 by Mizushima et al.

6. Referring to claim 1, a digital video tape recorder operable to record successive slant tracks, each comprising a number of sectors, on a tape medium, in which, across a group of one or more slant tracks (Fig. 1, Col. 3 line 60-67, Col. 4 line 1-6):

- At least one independently writeable sector stores primarily video material
- At least one independently writeable sector stores primarily audio material

- At least one independently writeable sector stores metadata associated with the audio and/or video material, the metadata including at least a material identifier and other data relating to the material.
7. Claim 2 is rejected for the same reason as discussed in the corresponding claim 1 above.
8. Considering claim 3/1, in which the independently writeable sector(s) storing metadata have a predetermined data capacity per slant track (Col. 2 line 20-22).
9. Considering claim 3/2, in which the independently writeable sector(s) storing metadata have a predetermined data capacity per slant track (Col. 2 line 20-22).
10. Regarding claim 4/1, in which the recorder is operable to vary the extent of the metadata sector(s) in response to the amount of metadata associated with each time segment of the video and/or audio material (Fig. 2A, 2B, Col. 4 line 7-28).
11. Regarding claim 4/2, in which the recorder is operable to vary the extent of the metadata sector(s) in response to the amount of metadata associated with each time segment of the video and/or audio material (Fig. 2A, 2B, Col. 4 line 7-28).

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12. Referring claim 5, a recorder according to claim 4, comprising means for recording control data onto the tape indicating the extent of the metadata sector(s) of at least each slant track carrying one or more metadata sectors (Fig. 2A, 2B, Col. 4 line 7-28).

13. Considering claim 6, a recorder according to claim 5, in which the control data is recorded at a position on the tape so that, in a normal replay direction, the control data relating to a slant track is recovered from the tape before the head traverses a metadata sector of that slant track (Fig. 5B, Col. 5 line 13-23).

14. Tape format claim 8 is rejected for the same reason as discussed in the corresponding tape recorder claim 1 above.

15. Tape medium claim 9 is rejected for the same reason as discussed in the corresponding tape recording claim 1 above.

16. Method claim 11 is rejected for the same reason as discussed in the corresponding tape recording claim 1 above.

17. Regarding claim 28/11, computer software for carrying out a method. (Col. 8 line 15, Col. 9 line 64)

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18. Regarding claims 29-31, computer software is providing a medium. (Col. 8 line 15, Col. 9 line 64)

19. Claims 13-15, 16/13, 16/14, 16/15, 18-20, 28/20, and 29-31 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,232,347 by Tachi.

20. Regarding claim 13, a video recorder operable to record video and audio material together with a timecode having a plurality of user-definable data bits

- The video recorder being operable to store a material identifying code in a subset of the user-definable bits of the timecode so that each instance of the material identifying code extends over the timecode user bits corresponding to an ordered sequence of more than one frame of the video material, the recorder also recording in a further subset of the user-definable bits of the timecode for each frame a sequence position indicator, indicative of the position of the current frame in the ordered sequence (Fig. 1, Col. 3 line 34-46).

21. Claims 14,15 are rejected for the same reason as discussed in the corresponding claim 13 above.

22. Claims 16/13, 16/14, 16/15 are rejected for the same reason as discussed in the corresponding claims 13-15 above.

23. Medium claims 18, 19 are rejected for the same reason as discussed in the corresponding video recorder claim 13 above.

24. Method claim 20 is rejected for the same reason as discussed in the corresponding video recorder claim 13 above.

25. Regarding claim 28/20, computer software for carrying out a method. (Col. 8 line 15, Col. 9 line 64)

26. Regarding claims 29-31, computer software is providing a medium. (Col. 8 line 15, Col. 9 line 64)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

27. Claims 7/1, 7/2, 7/3, 7/4, 7/5, 7/6 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,844,739 by Mizushima et al. in view of U.S. Patent No. 6,810,198 by Kuroda et al.

28. Referring to claims 7/1, 7/2, 7/3, 7/4, 7/5, 7/6, the recorder being arranged to record four concurrent audio channels on the tape medium. Mizushima discloses a digital data recording apparatus records digital data in tracks on a tape. Each track has a first signal area for storing track format information and a second signal area for storing a plurality of sync blocks. Mizushima fails to disclose a recorder to record four concurrent audio channels on the tape medium.

Kuroda teaches a recording and playback apparatus to record and playback the video and 4 audio channel (See Col. 2 line 35, 36, Fig. 5, Col. 7 line 66, 67, Col. 8 line 1-6)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have 4 audio channel to record audio signal at the same time to consume hours of recording.

29. Claims 10, 12, 28/12, and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,844,739 by Mizushima et al. in view of U.S. Patent No. 4,167,759 by Tachi.

30. Considering claim 10, an editing apparatus for use with a tape medium according to claim 9, the apparatus comprising means for reading, modifying and rewriting metadata stored in the metadata sector(s) of the slant tracks independently of the audio and video material stored in the audio and video sectors of the slant tracks.

Mizushima discloses a digital data recording apparatus records digital data in tracks on a tape. Each track has a first signal area for storing track format information and a second signal area for storing a plurality of sync blocks. Mizushima fails to disclose editing apparatus.

Tachi teaches editing apparatus to edit the metadata independently (Col. 4 line 58-60)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have editing apparatus to rewrite the metadata stored in the metadata sector.

31. Method claim 12 is rejected for the same reason as discussed in the corresponding apparatus claim 10 above

32. Regarding claim 28/12, Mizushima teaches computer software for carrying out a method. (Col. 8 line 15, Col. 9 line 64)

33. Regarding claims 29-31, computer software is providing a medium. (Col. 8 line 15, Col. 9 line 64)

34. Claim 17 is rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent No. 4,232,347 by Tachi.

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35. Considering claim 17, a video recorder according to claim 16, in which the material identifying code is an SMPTE UMID. Tachi discloses SMPTE control time code but Tachi fails to disclose UMID. It is noted that the use of UMID is old and well-known in the recording art. Therefore, official notice is taken. Moreover, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a well-known SMPTE UMID for identifying the audio and video material.

Conclusion

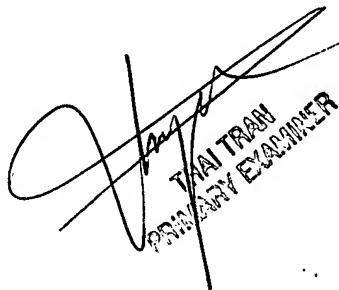
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nigar Chowdhury whose telephone number is 571-272-8890. The examiner can normally be reached on 9 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NC
04/27/2006


THAI TRAN
PRIMARY EXAMINER